

REMARKS

Claims 1-41 are pending in the present application.

The Examiner has required election (35 U.S.C. §§ 121 and 372) in the present application between:

Group I, claims 1-20, drawn to a process and gene cassette for producing cytokine in silk glands of a silkworm;

Group II, claims 21-39, drawn to a process and gene cassette comprising fibroin H-chain gene sequences for producing an exogenous protein in silk glands of a silkworm;

Group III, claim 40, drawn to a transgenic silkworm comprising a gene cassette that includes fibroin H-chain gene sequences fused to coding sequence for an exogenous protein for the expression of the protein in silk; and

Group IV, claim 41, drawn to silkworm silk comprising an exogenous protein incorporated into the fibroin H-chain.

For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 21-39.

Applicants respectfully traverse the instant Restriction Requirement because the Examiner asserts the “production of exogenous proteins from silkworm silk glands is not new in the art” (see the Office Action at page 2, last paragraph). However, assuming *arguendo* that this

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is the case, then Applicants should be given an opportunity to first revise the claims and then a Restriction Requirement (if at all) could issue.

Further, the Examiner states that Groups I-IV do not relate to single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the Groups lack the same or corresponding special technical features. However, the finding of, e.g., claim 40 (Group III) being distinct from claims 21-39 (Group II) is improper as claim 40 depends on claim 21. In other words, there is no lacking of the same or corresponding special technical feature when the Group III claim depends on the Group II claims.

Thus, reconsideration and withdrawal of the Restriction Requirement are respectfully requested. An examination of all pending claims is also respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No 48,501 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

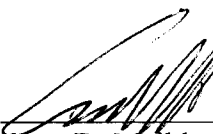
Application No.: 10/506,327
Art Unit 1633
Reply to Restriction Requirement

Docket No.: 0210-0190PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: SEP 11 2006

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant